IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

MACA.No. 833 of 2007()
{O.P.(MV)NO.455/1999 OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM}
.....

APPELLANT/PETITIONER:

SHIBY, AGED 35 YEARS,
S/O. LATE VELAPPAN, MANGATTUTHU HOUSE,
KARIKODE P.O., PERUVA.

BY ADV. SMT.AYSHA YOUSEFF
SMT.MOLLY JACOB
SMT.RABIA BEEGAM T.K.
SRI.JOBI.A.THAMPI

RESPONDENTS: RESPONDENTS:
---

1. ASSISI E.I., AGED ABOUT 36 YEARS,
S/O. IBRAHIM E.A., ELAYIDATHU
PARAMBIL,THODUPUZHA.

2. THE PROPRIETOR,
M/S. DAMODAR COCONUT PRODUCTS, M.C.ROAD,
KOOTHATTUKULAM, ERNAKULAM DIST.

3. M/S. NEW INDIA ASSURANCE CO. LTD.,
KOTTAYAM BRANCH II, 1ST FLOOR, K.K.ROAD,
KANJIKKUZHY, KOTTAYAM-686 004
(INSURER KL-7/Q 4700

4. NARAYANAN V.R., AGED ABOUT 32 YEARS,
S/O. KESHAVA PISHARADY, VRINDAVAN HOUSE,
ERUMPAYAR P.O., THALAYOLAPARAMBU,
DIST.KOTTAYAM.
(OWNER/DRIVER OF KL-5/S-3154).

5. NATIONAL INSURANCE CO. LTD.,
TRIPUNITHURA BRANCH OFFICE, P.B.NO.48,
MARKET JUNCTION, TRIPUNITHURA,
ERNAKULAM DIST.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & V.GIRI,JJ.

M.A.C.A.NO.833 of 2007 F

Dated this the 7th day of August, 2007.

JUDGMENT

KOSHY,J.

On 22.9.1998, the appellant herein met with an accident by which he suffered injuries, which resulted in amputation of his right leg below the knee. According to him, he was employed as a helper in an automobile workshop. As there was no clear evidence regarding his employment, the tribunal reckoned Rs.18,000/- as his annual income. The tribunal has awarded Rs.40,000/- towards pain and suffering. For medical expenses, a sum of Rs.1,49,180/- was granted. For loss of amenities and enjoyment of life Rs.30,000/- was awarded, for future medical expenses Rs.10,000/- was granted, for shortening of life Rs.20,000/- and compensation was calculated for 30% disability, taking the highest multiplier of 18.

Considering the total amount awarded and the interest that he may get, on depositing the amount, we are of the opinion that no interference with the award is called for. Appeal, therefore, fails, and it is dismissed.

Sd/-
(J.B.KOSHY)
JUDGE

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge